

REMARKS

Applicant will address each of the Examiner's rejections in the order in which they appear in the Office Action.

Claim Rejections - 35 USC §102

In the Office Action, the Examiner now rejects Claim 5 under 35 USC §102(e) as being anticipated by Crawshaw et al. (US 2001/0042032). This rejection is respectfully traversed.

While Applicant traverses this rejection, in order to advance the prosecution of this application, Applicant is canceling Claim 5 without prejudice or disclaimer, rendering this rejection moot. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim Rejections - 35 USC §103

Claims 1-4

The Examiner also now rejects Claims 1-4 under 35 USC §103(a) as being unpatentable over Crawshaw in view of Krenzke et al. (US 6,338,097). This rejection is also respectfully traversed.

While Applicant traverses this rejection, in order to advance the prosecution of this application, Applicant is canceling Claims 1-4 without prejudice or disclaimer, rendering this rejection moot. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 6-10 and 11-14

The Examiner also rejects Claims 6-10 and 11-14 under 35 USC §103(a) as being unpatentable over Crawshaw. This rejection is respectfully traversed.¹

In the Office Action, the Examiner admits that Crawshaw does not disclose many of the claimed features of independent Claim 6 of the present application. The Examiner, however, contends that “these differences are only found in the nonfunctional descriptive materials and do not alter how the work management system functions (i.e., the descriptive material does not reconfigure the work management system).” Applicant respectfully disagrees.

In particular, the Examiner cites In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) in support of his rejection. However, in that case, the Federal Circuit found that the claim limitations defined functional characteristics of the memory which imparted a physical organization on the information stored in the memory. The same is true in the present application. Each of the objected to steps in the method of independent Claim 6 is storing (and therefore organizing) specific data in a specific location in memory. These features are useful in providing a system which is capable of unified management of employees’ work in a correct and easy way (see e.g. pages 1-2 of the present application). This is consistent with the explanation in Lowry of a functional relationship with the memory and acceptable, functional patentable subject matter. Hence, these claimed features must be considered. As Crawshaw clearly does not disclose or suggest these claimed features, independent Claim 6 is patentable over Crawshaw.

¹ In order to advance the prosecution of this application, Applicant is canceling claims 7, 8 and 11-14 without prejudice or disclaimer, rendering the rejection of these claims moot.

Further, as explained in Lowry, as part of the burden of establishing a prima facie case of obviousness, the burden of establishing the absence of a novel, nonobvious functional relationship rests with the PTO. The Examiner has not established such a prima facie case herein as the Office Action does not establish the absence of a nonobvious functional relationship. Hence, since a prima facie case of obviousness has not been established, applicant is entitled to a grant of a patent.

Accordingly, for at least the above-stated reasons, independent Claim 6 and those claims dependent thereon are patentable, and it is respectfully requested that this rejection be withdrawn.

New Claims

Applicant is also adding new Claims 15-31 herewith. For similar reasons as discussed above, these claims are also not patentable. Accordingly, it is respectfully requested that these new claims be entered and allowed.

The fee for new claims has been calculated as shown below.

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Fee
Total	20	-	20	0	(small entity) x 25 (others) x 50	\$ 0.00
Independent	4	-	4	0	(small entity) x 100 (others) x 200	\$ 0.00
Multiple Dependent (None)					(small entity) + 180 (others) + 360	\$ 0.00
TOTAL ADDITIONAL FEES						\$ 0.00

Accordingly, Applicant does not believe that a fee is due for the new claims and new independent claims. If any fee should be due for these new claims, please charge our deposit account 50/1039.

Conclusion

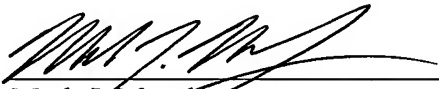
Therefore, it is respectfully submitted that the present application is in a condition for allowance and should be allowed.

Please charge our Deposit Account No. 50-1039 for any further fee due for this Amendment.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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Mark J. Murphy
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312) 236-8500

Customer no. 000026568